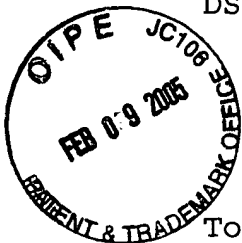


IFW

DS-02-017



February 1, 2005

To: Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attn: Art Unit 2818 - Huan Hoang

From: George O. Saile, Reg. No. 19,572

28 Davis Avenue

Poughkeepsie, N. Y., 12603

Subject: | Serial No.: 10/615,124 07/08/03 |

Horst Knoedgen

NATURAL ANALOG OR MULTILEVEL  
TRANSISTOR DRAM-CELL

| \_ Art Group: 2818 Huan Hoang \_ |

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 01/12/05. In that Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 7, 2005.

Stephen B. Ackerman, Reg.# 37761

Signature/Date

 2/7/05

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-21 to a circuit of a DRAM, classified in Class 365, subclass 149 and Group II - Claims 22-29 to a process, classified in Class 438, subclass 199.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group II - Claims 22-29 drawn to a process classified in Class 438, subclass 199. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "a circuit of a DRAM cell requiring output current" and the process Claims are directed to "a method to fabricate a two-level DRAM cell requiring a reduced output current", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method

class/subclass 438/199 and products class 365/149 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In the instant case, unpatentability of Group I would not necessarily imply unpatentability of Group II since the device of Group I could be made by processes materially different from those of Group II, for example, the steps of forming can be done alternately, etc.," is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,

A handwritten signature in black ink, appearing to be 'SBA', written over the printed name.

Stephen B. Ackerman, Reg. #37761